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6 EXERGEN CORPORATION

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17 Attorneys for Plaintiff
18 SAN FRANCISCO TECHNOLOGY INC.

19 UNITED STATES DISTRICT COURT
20
21 NORTHERN DISTRICT OF CALIFORNIA
22
23 (SAN JOSE DIVISION)

24 SAN FRANCISCO TECHNOLOGY INC.,

25 Case No. CV10-00966 JF

26 Plaintiff,
27 v.

28 **STIPULATION UNDER LOCAL RULES 6-1 AND 6-2 AND [PROPOSED] ORDER
SHORTENING TIME**

29 THE GLAD PRODUCTS COMPANY, BAJER
30 DESIGN & MARKETING INC., BAYER
31 CORPORATION, BRIGHT IMAGE
32 CORPORATION, CHURCH & DWIGHT CO.
33 INC., COLGAGE-PALMOLIVE COMPANY,
34 COMBE INCORPORATED, THE DIAL
35 CORPORATION, EXERGEN CORPORATION,
36 GLAXOSMITHKLINE LLC, HI-TECH
37 PHARMACAL CO. INC., JOHNSON
38 PRODUCTS COMPANY INC., MAYBELLINE
39 LLC, MCNEIL-PPC INC., MEDTECH
40 PRODUCTS INC., PLAYTEX PRODUCTS
41 INC., RECKITT BENCKISER INC., ROCHE
42 DIAGNOSTICS CORPORATION,
43 SOFTSHEEN-CARSON LLC, SUN
44 PRODUCTS CORPORATION, SUNSTART
45 AMERICAS INC.,

46 Defendants.

1 Defendant Exergen Corporation (“Exergen”) and Plaintiff San Francisco Technology, Inc.
2 (“SF Tech”) through their respective counsel, hereby make the following stipulation:

3 WHEREAS, Plaintiff SF Tech filed its complaint (D.I. 1) on March 5, 2010 (“the
4 Complaint”);

5 WHEREAS, Plaintiff SF Tech served the Summons and Complaint on Exergen via U.S.
6 Mail on June 15, 2010 (Kent Decl., ¶3);

7 WHEREAS, Exergen received the Summons and Complaint on June 18, 2010 (Kent Decl.,
8 ¶4);

9 WHEREAS, pursuant to CCP § 415.40 (applicable pursuant to Fed. R. Civ. P. 4(h)(1)(A)
10 and Fed. R. Civ. P. 4(e)(1)) and Fed. R. Civ. P. 12(a)(1)(A)(i), the deadline for Exergen to move
11 or plead in response to the Complaint is July 21, 2010;

12 WHEREAS, Exergen intends to file a pre-answer motion pursuant, *inter alia*, to Fed. R.
13 Civ. P. 12(b);

14 WHEREAS, certain other defendants have filed pre-answer motions;

15 WHEREAS, on May 18, 2010, the Clerk in this matter posted a notice (D.I. 186) setting a
16 conference on July 8, 2010 to hear the defendants’ motions to dismiss, motions to stay, and
17 motions to sever; and

18 WHEREAS, the parties believe that the interests of judicial efficiency favor hearing
19 Exergen’s motion on July 8, 2010, together with the pre-answer motions of Exergen’s co-
20 defendants,

21 NOW THEREFORE, THE PARTIES STIPULATE THAT:

22 Defendant Exergen shall file any motion to dismiss, motion to stay, or motion to sever no
23 later than June 30, 2010;

24 Plaintiff SF Tech shall file its opposition to Exergen’s motion, if necessary, no later than
25 July 7, 2010; and

26 Any such motion shall be heard during the July 8, 2010 hearing currently scheduled in this
27 case.

28 ///

1 Dated: June 24, 2010

FISH & RICHARDSON P.C.

3 By: /s/ Robert J. Kent
4 Robert J. Kent

5 Attorney for Defendant
6 EXERGEN CORPORATION

6 Dated: June 24, 2010

7 MOUNT & STOELKER, PC

8 By: /s/ Robert J. Kent on behalf of
9 Daniel H. Fingerman
Daniel H. Fingerman

10 Attorneys for Plaintiff
11 SAN FRANCISCO TECHNOLOGY, INC.

12 **DECLARATION**

13 Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under
14 penalty of perjury that concurrence in the filing of this document has been obtained from Daniel
15 Fingerman.

16 Dated: June 24, 2010

17 FISH & RICHARDSON P.C.

18
19 By: /s/ Robert Kent
20 Robert J. Kent

21 Attorney for Defendant
22 EXERGEN CORPORATION

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1 PURSUANT TO STIPULATION, IT IS SO ORDERED.
2
3 Dated: 6/29/2010

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6
7 THE HONORABLE JEREMY P. FOGEL
8 United States District Court, Judge
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on June 24, 2010, all counsel of record who are deemed to have consented to electronic service are being served with a copy of the

STIPULATION UNDER LOCAL RULES 6-1 AND 6-2 AND [PROPOSED] ORDER

SHORTENING TIME via the Court's CM/ECF system per Local Rule 5-4 and General Order

45. Any other counsel of record will be served by first class mail.

/s/ Robert J. Kent

Robert J. Kent

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